

AMENDED IN SENATE JULY 3, 1996
AMENDED IN ASSEMBLY MAY 15, 1996
AMENDED IN ASSEMBLY APRIL 11, 1996

CALIFORNIA LEGISLATURE—1995–96 REGULAR SESSION

ASSEMBLY BILL

No. 2897

Introduced by Assembly Member Bowler

February 22, 1996

An act to add Section 1500.6 to the Evidence Code, relating to evidence.

LEGISLATIVE COUNSEL'S DIGEST

AB 2897, as amended, Bowler. Evidence: video or digital images.

Existing law, the best evidence rule, generally prohibits the admission of evidence other than the original of a writing to prove the content of a writing. Existing law exempts from this rule a printed representation of computer information or a computer program which is being used by or stored on a computer or computer readable storage media to prove the existence and content of the computer information or computer program.

This bill would provide an additional exemption for a printed representation of an image stored on a video or digital media to prove the existence and content of the image stored on the video or digital media, as specified.

Vote: majority. Appropriation: no. Fiscal committee: no. State-mandated local program: no.

The people of the State of California do enact as follows:

1 SECTION 1. Section 1500.6 is added to the Evidence
2 Code, to read:

3 1500.6. (a) Notwithstanding Section 1500, a printed
4 representation of an image stored on video or digital
5 media shall be admissible to prove the existence and
6 content of the image stored on the video or digital media.

7 Images stored on video or digital media, or copies of
8 images stored on video or digital media, shall not be
9 rendered inadmissible by the best evidence rule. Printed
10 representations of images stored on video or digital media
11 shall be presumed to be accurate representations of the
12 images that they purport to represent. This presumption,
13 however, is a presumption affecting the burden of
14 producing evidence only. If any party to a judicial
15 proceeding introduces evidence that such a printed
16 representation is inaccurate or unreliable, the party
17 introducing it into evidence shall have the burden of
18 proving, by a preponderance of evidence, that the
19 printed representation is the best available evidence of
20 the existence and content of the images that it purports
21 to represent.

22 (b) *This section shall not be construed to abrogate the*
23 *holding of People v. Enskat, (1971) 20 Cal. App. 3d Supp.*
24 *1.*

